

HEADQUARTERS  
UNITED STATES EUROPEAN COMMAND  
APO 09128-4209

DIRECTIVE  
NUMBER 45-3

02-FEB-94

**LEGAL**

Foreign Criminal Jurisdiction  
Over U.S. Personnel

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1. **Summary.** This Directive prescribes policies and procedures for and assigns responsibilities relating to the exercise of criminal jurisdiction over U.S. personnel by foreign governments; appoints Designated Commanding Officers (DCOs) and country representatives for matters relating to the exercise of criminal jurisdiction over U.S. personnel by the host country; implements pertinent directives and Joint Service regulations; and directs the submission of reports regarding the exercise of such foreign jurisdiction.
  2. **Applicability.** This Directive applies to USEUCOM component commanders; Chiefs, Security Assistance Organizations (SAO); and commanders/officers-in-charge/chiefs of HQ USEUCOM separate staff activities.
  3. **Internal Control Systems.** This Directive is not subject to the requirements of AR 11-2. It does not contain internal control provisions.
  4. **Suggested Improvements.** The proponent agent for this Directive is the Office of the Legal Advisor for Headquarters, U.S. European Command. Users are invited to send comments, questions and suggested improvements to HQ USEUCOM, Office of the Legal Advisor, APO AE 09128-4209.
  5. **References.**
    - a. DOD Directive 5525.1, Status of Forces Policies and Informaton.
    - b. AR 27-50/AFR 110-12/SEC NAVINST 5820.4G, Status of Forces Policies, Procedures, and Information.
    - c. USAREUR Reg 550-50/CINC USNAVEUR Inst 5820.8H/USAFE Reg 110-1, Exercise of Foreign Criminal Jurisdiction over U.S. Personnel.
    - d. USAREUR Reg 550-56/CINC USNAVEUR Inst 4820.13b/USAFE Reg 110-6, Exercise of Criminal Jurisdiction by German Courts and Authorities over U.S. Personnel.
    - e. Section P, Volume 1, Defense Intelligence Agency Manual, 1 Oct 77, Foreign Criminal Jurisdiction - Duties of Defense Attaches as Designated Commanding Officer (DCO).
  6. **Responsibilities.**

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This Directive supersedes ED 45-1, 18 May 1989

a. USCINCUEER will:

(1) Implement and oversee provisions of DOD and Joint Service directives, particularly reference 5a and 5b, concerning exercise of criminal jurisdiction over U.S. personnel within its area of responsibility.

(2) Appoint Designated Commanding Officers for countries within his geographic area of responsibility in which U.S. military forces are regularly stationed.

b. The responsibilities of Designated Commanding Officers, Country Representatives and Country Liaison Agents are set forth in this Directive and in the references.

## 7. Policies and Procedures.

a. The policies and procedures provided for in references 5a and 5b are implemented within USEUCOM by this Directive and by references 5c and 5d.

Policies and procedures set forth in the references do not preclude a request for waiver of jurisdiction in any case in which such is considered appropriate by a Designated Commanding Officer or commander designated by him.

b. Designated Commanding Officer (DCO). The following are appointed as Designated Commanding Officers for the countries indicated:

(1) CINCUSAREUR for Austria, Belgium, The Netherlands, Germany, and Switzerland.

(2) Deputy CINCUSNAVEUR for Israel, Italy, Mozambique, Portugal, South Africa, Tanzania, Greece, Spain, and Tunisia.

(3) CINCUSAFE for Cyprus, Denmark, Luxembourg, Morocco, Norway, Turkey, the United Kingdom, and France.

(4) In countries other than those specified above, and in accordance with pertinent provisions of references 5b and 5e, U.S. Defense Representatives perform the duties of Designated Commanding Officers in connection with the exercise of criminal jurisdiction over U.S. personnel by foreign authorities, including the submission of required administrative reports.

(5) On a case by case basis in a country for which one of the component commands has not been appointed DCO, HQ USEUCOM may appoint a DCO. In such a circumstance, the U.S. Defense Attache who would normally be responsible under paragraph 7b(4), above, will be relieved of the responsibility.

## c. Country Representative.

(1) The Designated Commanding Officer will appoint a senior U.S. Officer to be known as the Country Representative for each country for which he is given responsibility in paragraph 7b(4) above. The Country Representative will serve as the single point of contact with the host country and the U.S. diplomatic mission in that country for matters relating to the exercise of criminal jurisdiction over U.S. personnel by that country.

(2) The final decision of whether to request formal State Department action through diplomatic channels in an effort to obtain a waiver or relinquishment of criminal jurisdiction is, however, reserved in all cases to the DCO. In executing his delegated functions, the Country Representative shall officially serve and be known as the "U.S. Country Representative, (name of country concerned)". DCOs will promptly notify USCINCEUR/ECLA and component commanders as U.S. Country Representatives are newly appointed or changed.

d. Country Liaison Agents. Each component commander (CINCUSAREUR, Deputy CINCUSNAVEUR, and CINCUSAFE) may appoint Country Liaison Agents for certain specified countries in the USEUCOM geographical area in which he is not the DCO, for the purpose of delegating to such agents certain of his foreign criminal jurisdiction responsibilities and functions as the component commander of his service in the host country. Component commanders will promptly notify USCINCEUR/ECLA and each other when newly appointing or changing Country Liaison Agents.

8. Reports. A copy of each of the following will be submitted to HQ USEUCOM, ATTN: ECLA:

a. The Country Law Study required by paragraph 1-6 of reference 5b.

b. Directives issued by a Designated Commanding Officer or Country Representative applicable to all personnel within a country. Directives will be forwarded to ECLA for approval prior to promulgation.

c. A copy of each Trial Observer Report as required by paragraph D7 of reference 5a, paragraphs 1-8, 4-3c, and 4-6 of reference 5b, paragraph 25 of reference 5c, and paragraph 9c of reference 5d, concerning a trial in which the trial observer or a reviewing authority concludes the trial was unfair.

d. A copy of each report of visit to a confined person as required by paragraph d10 of reference 5a, paragraphs 4-3d and 4-7 of reference 5b, paragraph 27 of reference 5c, and paragraph 9d of reference 5d, in which conditions are reported as being in violation of international agreements, treatment of U.S. personnel is unfair, or U.S. personnel are not afforded the rights, privileges, and protections of personnel confined in U.S. military facilities.

e. A copy of each annual report on the exercise of foreign jurisdiction as required by paragraph E1 of reference 5a, paragraphs 4-3a and 4-4 of reference 5b, paragraph 24 of reference 5c, and paragraph 9f of reference 5d.

f. A copy of each quarterly confinement report required by paragraphs 4-3b and 4-5 of reference 5b and paragraph 26 of reference 5c.

g. A timely report of serious or unusual incidents as contemplated by paragraph 4-8 of reference 5b and paragraph 28 of reference 5c.

FOR THE COMMANDER IN CHIEF:

OFFICIAL:

RICHARD J. GARCIA  
LTC, USA  
Adjutant General

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